

# **Town Board Minutes**

## **Meeting No. 4**

### **Regular Meeting**

**February 7, 2006**

## ***Town Board Minutes***

February 7, 2006

Meeting No. 4

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of February, 2006 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA, to deliberate in Executive Session for the announced purpose of discussing a Police personnel matter, Lancaster Volunteer Ambulance Corps contractual matter, and the contract with Municipal Consultants, Inc. which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:25 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Village of Depew Police Department

**Chowanec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matter:

- zoning amendment for 470 Aurora Street

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- his communication regarding Nicholas Heights Subdivision

**Gull, Henry**, 710 Pavement Road, spoke to the Town Board on the following matter:

- his military service

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Bowmansville Volunteer Department
- Pleasant Meadows Subdivision

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Christopher Glinski for a Special Use Permit for a used automobile sales business on premises located at 5151 Genesee Street.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Roy Schneggenburger	87 Stony Road	Questions
Christopher Glinski, petitioner	5151 Genesee Street	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:32 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

February 7, 2006

**PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:37 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of 2006 entitled "Sex Offender Residency Prohibition".

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Dan Beutler	26 Tyler Street	Comments
Roy Schneggenburger	87 Stony Road	Comments

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:44 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

February 7, 2006

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
January 17, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster, in cooperation with the Village of Lancaster and the Village of Depew, is interested in pursuing shared services for the benefit of taxpayers, and

**WHEREAS**, the Town of Lancaster provides dog control services to the Village of Lancaster and the Village of Depew, and

**WHEREAS**, the existing dog control facilities are in need of expansion to accommodate the increasing need for existing services and the expansion of services to include a formal adoption program, and

**WHEREAS**, grant monies are available through the New York State Department of State, Shared Municipal Services Incentive Award Program to support such joint ventures, and

**WHEREAS**, the cost of the Animal Rescue Center is estimated to be \$266,200, and

**WHEREAS**, the Shared Municipal Services Incentive Award Program will provide a maximum of \$300,000 toward the cost of a new Animal Rescue Center and the applicant must include a ten percent cash match.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Lancaster will serve as lead agency for the purpose of submitting a grant application to the New York State Department of State and, upon award of such grant, serve as the agency responsible for the administration of the grant program, and

**BE IT FURTHER**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized to prepare and submit said application for funding, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated January 17, 2006 has recommended the appointment of an individual to the position of regular part time Tutor with the Youth Bureau of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby appointed to the position of regular part time Tutor, not to exceed nineteen hours per week, in the Town of Lancaster Youth Bureau, effective January 31, 2006, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees:

<u>NAME</u>	<u>RATE</u>
Kristin Reddien 3901 Bowen Road #71 Lancaster, New York 14086	\$15.00 hr.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

File: Rpers.tutor (P1)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of  
accepting members to the roster of the Emergency Management Team.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms  
the following as members of the Emergency Management Team:

**MEMBERS**

James Bistoff	Larry Blair	Gary Blank	Lou Cacciotti
Luke Calianno	Bonnie Campisano	Leonard Campisano	Kevin Cefaly
Neil Connelly	Steve Fox	Ernest Gainey	Edward Gasiecki
Robert Giza	James Glor	Edward Gutowski	Ray Hirtzel
Adrienne Hydock	Charles Lawson	Amy MacPeck	Robert MacPeck
James Miller	James Muench	Jerry Napier	Richard Quinn
Daniel Rinow	John Robinson	John Smith	Valerie Smith
Anthony Suchyna	James Thrun	Richard Thrun	Scott Thrun
Michael Weber	Eric Weisenberg		

**AGENCY REPRESENTATIVES**

John Burke	Karin Eleccko	Carolanne Kerl	Jerry Kucialski
Scott Kuhlmei	Mark Lawniczak	George Pease	Austin Reamsnyder
Richard Reese	Jeffrey Simme	Donald Snios	Karl Weir
Dennis Weist	Mark Wetzler		

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

File: RFIRE (P7)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**WHEREAS**, it is in the public interest for the Parks and Recreation  
Department of the Town of Lancaster to operate a playground facility on Main Street,  
Bowmansville, in the Town of Lancaster, on property owned by the Bowmansville Volunteer Fire  
Association, Inc., for the years 2006 and 2007, and

**WHEREAS**, the Town Attorney has prepared and filed with the Town Clerk,  
an Agreement setting forth the terms upon which said recreational area will be utilized by the  
Town of Lancaster;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Supervisor be and is hereby authorized and directed to execute  
an Agreement between the Town of Lancaster and the Bowmansville Volunteer Fire Association,  
Inc. for the Lease by said Association to the Town of Lancaster of its play area on its premises on  
Main Street, Bowmansville, within the Town of Lancaster, for the operation of the Town's  
Recreation Program during its normal summer season for the years 2006 and 2007.
2. That the Town Attorney make distribution of the executed copies of said  
Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO  
MOVED IT'S ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER".

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 27th day of February 2006, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before February 9, 2006, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of February, 2006, the said Town Board will hold a Public Hearing on the 27th day of February, 2006, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION  
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto the following:**

**ROSELAND SUBDIVISION**

<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>SIGN LOCATION</u></b>
St. Anthony Street	Steinfeldt Road	S.W. Corner
Rose Street	St. Anthony Street	S.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

February 7, 2006

File: rvtordchpt46stopsigns206

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

**WHEREAS**, a proposed Local Law of the Year 2006 entitled "SEX OFFENDER RESIDENCY PROHIBITION", and further designated as Chapter 39 of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Giza on the 17th day of January, 2006, and

**WHEREAS**, a Public Hearing was duly called and held pursuant to law on February 7, 2006;

**NOW, THEREFORE, BE IT**

**ENACTED**, by the Town Board of the Town of Lancaster, Local Law No. 2 of the Year 2006, entitled "SEX OFFENDER RESIDENCY PROHIBITION" and designated as Chapter 39 of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

**Chapter 39**

**SEX OFFENDER RESIDENCY PROHIBITION**

**LOCAL LAW NO. 2  
OF THE YEAR 2006**

**A LOCAL LAW TO RESTRICT WHERE REGISTERED SEX OFFENDERS MAY RESIDE IN THE TOWN OF LANCASTER IN RELATION TO SCHOOLS, DAY CARE CENTERS, TEEN CLUBS, TEEN CENTERS, LANCASTER AND DEPEW BOYS AND GIRLS CLUBS, YMCA FACILITIES, TOWN OF LANCASTER PARKS AND PLAYGROUNDS, ANY OTHER STRUCTURE OR OPEN SPACE WHERE MINORS CONGREGATE FOR SPONSORED, PROGRAMMED ACTIVITIES AND ANY COMMUNITY CENTERS WHERE MINORS UNDER THE AGE OF 18 CONGREGATE.**

**SEX OFFENDER RESIDENCY PROHIBITION**

- §39 - 1. Legislative intent.**
- §39 - 2. Residency Restrictions**
- §39 - 3. Penalties.**
- §39 - 4. When effective.**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, County of Erie, State of New York as follows:

**§39 - 1. Legislative Intent.**

The adoption of Megan's Law has increased public awareness of sexual offenders by requiring them to become registered with authorities and making such information available to the public. The Town Board of the Town of Lancaster hereby enacts this local law to prevent sex offenders from residing or living near areas where children regularly meet and congregate. The Town Board of the Town of Lancaster believes this legislation is necessary to further protect the best interest of all children, and to protect the health, safety and welfare of residents in the Town of Lancaster.

**§39 - 2. Residency Restrictions**

No person over the age of eighteen (18) years, who has been convicted of a violation of a sexual offense upon a child of the age of sixteen (16) years or under, as defined by the New York State Penal Law, which would require that individual register as a sex offender under state and/or federal laws, shall be permitted to reside or live within one thousand five hundred (1,500) feet of the real property of any schools, day care centers, teen clubs, teen centers, Lancaster and Depew Boys and Girls Clubs, YMCA facilities, Town of Lancaster parks and playgrounds, any other structure or open space where minors congregate for sponsored, programmed activities and any community centers where minors under the age of 18 congregate unless such residence has been assigned by a supervised release program which provides close supervision of the sex offender's daily activity, or the residency of said offender was established prior to the enactment of this legislation.

**§39 - 3. Penalties.**

Failure to comply with this section is considered a violation and a fine of up to One Thousand Five Hundred Dollars (\$1,500.00) may be imposed and/or imprisonment for fifteen (15) days.

**§39 - 4. When effective.**

This chapter shall become effective upon filing with the Secretary of State.

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk of the Town of Lancaster shall:

- A. Immediately post a copy of the Local Law of the Year 2006 on the Town Bulletin Board, and
- B. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication, and
- C. Maintain a file in the Town Clerk's office on Local Law of the Year 2006, with all proof of publication and posting required for adoption, and
- D. File certified copies of Local Law of the Year 2006 within ten (10) days of adoption with:
  - a) Town Clerk's Office
  - b) One (1) copy with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

**LEGAL NOTICE  
NOTICE OF ADOPTION  
LOCAL LAW NO. 2  
OF THE YEAR 2006**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on February 7, 2006, Local Law No. 2 of the Year 2006, entitled: "Sex Offender Residency Prohibition", briefly described as follows:

"A Local Law to restrict where registered sex offenders may reside in the Town of Lancaster in relation to schools, day care centers, teen clubs, teen centers, Lancaster and Depew Boys and Girls Clubs, YMCA facilities, Town of Lancaster Parks and Playgrounds, any other structure or open space where minors congregate for sponsored, programmed activities and any community centers where minors under the age of 18 congregate."

February 7, 2006

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY**, that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of the Local Law of the Year 2006, with the original thereof filed in my office at Lancaster, New York, on the 7th day of February, 2006, and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 7<sup>th</sup> day of February, 2006.

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

File: rlocallawsexoffenderresidencyprohibition106a



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a Public Hearing was held on the 17<sup>th</sup> day of January, 2006, on the petition of Wassim S. Issa, for the rezone of certain property located at 470 Aurora Street, in the Town of Lancaster, New York from a Residential District One (R-1) to General Business (GB), and

**WHEREAS**, the Planning Board of the Town of Lancaster at its meeting held December 21, 2005, unanimously recommended approval of the rezone, and

**WHEREAS**, a SEQR review was completed on the proposed rezone and project on January 3, 2006 and a Negative Declaration issued, and

**WHEREAS**, a Notice of said Hearing has been duly published and posted, and

**WHEREAS**, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential District One (R-1) to General Business (GB), it being the intention of the Town Board to grant the zoning change on the minimum area necessary to bring the site into compliance:

That being the southerly 47' of the parcel sought to be rezoned thereby leaving the balance of the 40' remaining as R-1 zoning, which is described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Township of Lancaster, County of Erie and State of New York, being part of Lot No. 84, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

**BEGINNING AT A POINT** on the easterly line of Aurora Street as laid out forty-nine and one-half (49 ½) feet wide distant two hundred fifty (250) feet northerly from the intersection of the said easterly line of Aurora Street with the northerly line of William Street as laid out, forty-nine and one-half (49 ½) feet wide; running

**THENCE** easterly and parallel with the northerly line of William Street a distance of two hundred fifty (250) feet to a point; running

**THENCE** northerly and parallel with the easternly line of Aurora Street forty-seven (47) feet to a point; running

**THENCE** westerly and parallel with the northerly line of William Street a distance of two hundred fifty (250) feet to a point and to the easterly line of Aurora Street; running

**THENCE** southerly along the said easterly line of Aurora Street a distance of forty-seven (47) feet to the point or place of beginning

2. That the Zoning Amendment is subject to the proponent/developer meeting the following conditions:

a) That the picnic tables shall be removed from the R-1 area that is the subject of the zoning change.

b) That the auto vacuums, air pumps and telephone shall be removed from their present location and will be re-sited along Aurora Street or William Street.

c) That the refrigerator unit and dumpster will be moved to a point at least 25' from the east lot line and shall not encroach into the 40' R-1 zoning.

d) That parking on the existing pavement on the north side of the parking lot will be limited to employees only.

e) That additional landscaping in the nature of conifers shall be placed at 10' intervals along the north property line as approved by General Crew Chief Terrance McCracken.

f) That the signs at the exits on the south side of the property at William Street and west side of property at Aurora Street will be modified as directed by the Building Inspector's Office so that the Building Inspector is satisfied that the sight line requirements are met.

g) That all exterior lighting shall be flat lens and shall be shielded so as not to shine toward residential zoning to the north, east and west of the site.

h) That said remaining 40' R-1 zoning shall remain as R-1 as a condition of the approval of the zoning change of the 47' from R-1 to GB, and, further that the said 40' R-1 zoning shall not be compromised for any other use other than a use as a green area buffer zone.

3. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 7<sup>th</sup> day of February, 2006;

4. That a certified copy thereof be published in the Lancaster Bee, on or before the 9<sup>th</sup> day of February, 2006;

5. That Affidavits of Publication be filed with the Town Clerk; and

6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS RECUSED*
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

Council Member Amatura recused himself from discussion involving this project and from voting on this project because he at one time was a part owner of the subject property.

February 7, 2006

File: rphrezonewassimissal06

**LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
WASSIM S. ISSA  
470 AURORA STREET**

**LEGAL NOTICE IS HEREBY GIVEN** that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Residential One (R-1) to General Business (GB), it being the intention of the Town Board to grant the zoning change on the minimum area necessary to bring the site into compliance:

That being the southerly 47' of the parcel sought to be rezoned thereby leaving the balance of the 40' remaining as R-1 zoning, which is described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Township of Lancaster, County of Erie and State of New York, being part of Lot No. 84, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

**BEGINNING AT A POINT** on the easterly line of Aurora Street as laid out forty-nine and one-half (49 ½) feet wide distant two hundred fifty (250) feet northerly from the intersection of the said easterly line of Aurora Street with the northerly line of William Street as laid out, forty-nine and one-half (49 ½) feet wide; running

**THENCE** easterly and parallel with the northerly line of William Street a distance of two hundred fifty (250) feet to a point; running

**THENCE** northerly and parallel with the easternly line of Aurora Street forty-seven (47) feet to a point; running

**THENCE** westerly and parallel with the northerly line of William Street a distance of two hundred fifty (250) feet to a point and to the easterly line of Aurora Street; running

**THENCE** southerly along the said easterly line of Aurora Street a distance of forty-seven (47) feet to the point or place of beginning.

February 7, 2006

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 7th day of February, 2006 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 7<sup>th</sup> day of February, 2006.

(S E A L)

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the General Crew Chief, by letter dated January 27, 2006, has requested the appointment of a seasonal employee in the Parks, Recreation and Forestry Department of the Town of Lancaster for the winter season of 2006, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby appointed to the position of seasonal employee for the winter season of 2006 in the Parks, Recreation and Forestry Department of the Town of Lancaster, effective January 23, 2006, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Alyson Crawford (rehire) 5 Hemlock Lane Lancaster, New York	Lifeguard	\$8.25 hr.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

File: Rpers.seasonal (PS)

**PREFILED RESOLUTION NO. 10 - MEETING OF FEBRUARY 7, 2006**

Stempniak/ \_\_\_\_\_ Authorize Excavating Permit Marrano/Marc Equity Corporation  
Pleasant Meadows Patio Homes Subdivision

At the request of Council Member Stempniak, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has received and reviewed a proposal from Fox & Company LLP dated January 19, 2006 to provide auditing services for years 2005 and 2006 and other services related thereto, for a cost of \$27,300 for the year end December 31, 2005 and \$28,100 for the year end December 31, 2006, and

**WHEREAS**, Fox & Company has also included in the beforementioned proposal that at the end of the two year contract the Town may elect to continue the contract for another 3 - 5 years with the same scope of service for the fee in the last year, plus \$200 more per each year thereafter for which the Town elects to continue the contract, and

**WHEREAS**, after due consideration the Town Board deems it in the public interest to retain Fox & Company for said services;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts the above referenced proposal from Fox and Company LLP dated January 19, 2006 and further authorizes the Supervisor of the Town of Lancaster to countersign the proposal thereby entering into a contract with Fox and Company LLP to provide the services as set forth in said proposal.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

File: rfoxandco2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 2006 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

**WHEREAS**, said bids were duly opened on February 2, 2006, and

**WHEREAS**, **CONCORD NURSERIES, INC.**, Mile Block Road, North Collins, New York, 14111, has submitted the lowest responsible bid in the amount of \$24,252 for furnishing said trees to the Town of Lancaster, and

**WHEREAS**, the General Crew Chief, by letter dated February 3, 2006 requests the Town Board to accept the bid of Concord Nurseries, Inc., and

**WHEREAS**, by same letter, the General Crew Chief has requested that he be authorized to purchase additional trees at the 2006 bid prices from Concord Nurseries, Inc. at his discretion for whatever other tree plantings the Town may incur in 2006.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid of **CONCORD NURSERIES, INC.**, Mile Block Road, North Collins, New York, 14111, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

**BE IT FURTHER**

**RESOLVED**, that the General Crew Chief be and is hereby authorized to place orders with Concord Nurseries, Inc. for those trees which the Town of Lancaster needs for its 2006 Tree Planting Program, and

**BE IT FURTHER**

**RESOLVED**, that the General Crew Chief be and is hereby authorized to purchase additional trees at the 2006 bid prices from Concord Nurseries, Inc. at his discretion for whatever other tree plantings the Town may incur in 2006.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006  
FILE: RBO TREES (P3)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**WHEREAS**, the Supervisor has requested the creation of one (1) additional position of Senior Clerk Typist in the Town of Lancaster, to be placed in the Police Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1) position of Senior Clerk Typist in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

File: RPERS.CRE (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Clerk of the Town of Lancaster has the responsibility for the efficient and effective collection of taxes for the County of Erie and the Town of Lancaster, and

**WHEREAS**, the Erie County Legislature unanimously approved a request for Home Rule Legislation from New York State which would allow municipalities to accept partial payment in any amount for payment of property taxes, and

**WHEREAS**, the New York State Legislature is reviewing the request and formulating the necessary legislation to be returned to the County of Erie for Home Rule approval, and

**WHEREAS**, this proposal hereby stated requests no change in the due dates of Real Property taxes, nor any change in the penalty structure as set forth under the Erie County Tax Act, but only for the Town Clerk to be able to accept partial payments in any amount, and

**WHEREAS**, this proposal is permissive with each taxing unit, namely the County of Erie, School districts and Towns of Erie County.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster requests that the Erie County Legislature acts on said Home Rule immediately upon enactment of the State's enabling legislation to ensure that partial payments in any amount may be accepted during this tax cycle.
2. That the Town Board of the Town of Lancaster hereby authorizes acceptance of partial payments in any amount pursuant to and upon enactment of the aforementioned legislation.
3. That the Town Clerk forward certified copies of this resolution to New York State Senator Volker, New York State Assemblyman Tokasz, Erie County Legislator Konst, Erie County Legislator Mazur, New York State Gov. Pataki, Erie County Executive Giambra and Clerk of Erie County Legislature Kevin Kelley.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 483 to Claim No. 776 Inclusive

Total amount hereby authorized to be paid: \$495,014.69

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 7, 2006

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

13454	Forestream Village Inc	4705 Transit Rd	Er. Comm. Alt.	
13455	North Forest Properties	2801 Wehrle Dr	Er. Sign-Wall	
13456	North Forest Properties	2801 Wehrle Dr	Er. Sign-Wall	
13457	Samcoe Recreational	5077 Transit Rd	Er. Sign-Temp	
13458	Graffiti Grafix & Signs	6699 Transit Rd	Er. Sign	
13459	Graffiti Grafix & Signs	6699 Transit Rd	Er. Sign	
13460	Sharp General Cont.	5528 Broadway	Er. Res. Alt.	(V/L)
13461	Schuster Const.	706 Aurora St	Dem. Barn	
13462	Moeller Sign	6510 Broadway	Er. Sign-Wall	
13463	North Forest Devel.	2805 Wehrle Dr	Er. Sign-Wall	
13464	North Forest Devel.	2809 Wehrle Dr	Er. Sign-Wall	
13465	AAA Timberline Inc	16 Brunck Rd	Er. Fireplace	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

## COMMUNICATIONS & REPORTS:

44. NYS DEC to Town Board -  
Notice of availability of funds for projects to eradicate invasive species from NYS waters and wetlands. DISPOSITION = Received & Filed
45. Erie County Division of Planning to Town Board -  
Transmittal of CD containing the draft of 2006 Annual Action Plan for Erie County Consortium Community Development Block Grant, Consortium Emergency Shelter Grant, and Home Investment Partnership Programs; also notice of public hearing to be held at various locations. DISPOSITION = Received & Filed
46. Assistant Superintendent, Depew Union Free School District to Supervisor -  
Request use of Depew Library building as a Youth Bureau annex. DISPOSITION = Received & Filed
47. Erie County Executive to Supervisor -  
Notice of monetary incentives to foster inter-municipal cooperation. DISPOSITION = Received & Filed
48. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held January 18, 2006. DISPOSITION = Received & Filed
49. Planning Board to Town Board -  
Recommend approval of Preliminary Plat Plan for Pleasant Meadows Subdivision - Phase II. DISPOSITION = Planning Committee
50. Janet Penna to Town Board -  
Concerns regarding proposed Pilot Truck Stop, Transit Road. DISPOSITION = Planning Committee
51. Executive Director, Youth Bureau to Supervisor -  
Request appointment of Kristen Reddien as Tutor, Part Time. DISPOSITION = Resolution 2/7/06
52. Marrano/Marc Equity Corporation to Town Attorney & Town Board -  
Request permit to clear land for patio home section of Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
53. NYS DOT to Town Clerk -  
Notice of completion of reconstruction work at the intersection of Genesee Street and Townline Road. DISPOSITION = Received & Filed
54. Village of Lancaster to Town Board -  
Minutes of meeting held January 9, 2006. DISPOSITION = Received & Filed
55. Village of Lancaster to Town Board -  
Minutes of meeting held January 16, 2006. DISPOSITION = Received & Filed
56. NYS DOT to Town Board -  
Notice of work to be done on Walden Avenue between Dick Road and Route 33 (Genesee Street). DISPOSITION = Received & Filed
57. NYS DOT to Town Board -  
Notice of 30 MPH zone on Transit Road between Depew southerly village line and Como Park Boulevard. DISPOSITION = Received & Filed
58. NYS DOT to Town Board -  
Notice of 20 MPH zone on Transit Road between Depew High School driveway to 660 feet south. DISPOSITION = Received & Filed
59. NYS DOT to Town Board -  
Notice of 45 MPH zone for a portion of Transit Road (Route 20) and Route 20/78. DISPOSITION = Received & Filed

60. Waste Management to Supervisor -  
Notice of 2006 contract price increase. DISPOSITION = Received & Filed
61. NYS Assembly Member Paul A. Tokasz to Supervisor -  
Letter regarding proposed State Assembly Local Aid plan for 2006-2007 State Fiscal Year. DISPOSITION = Received & Filed
62. Captain Riccardo Zuppelli to Supervisor -  
Request for ordinance to place stop signs at designated intersections in Roseland Subdivision. DISPOSITION = For Resolution
63. Donald G. Symer to Town Board -  
Letter regarding excessive train noise. DISPOSITION = Received & Filed
64. Highway Superintendent to Planning Board Chairman -  
Recommendations and concerns regarding Nicholas Height Subdivision. DISPOSITION = Planning Committee
65. Ferdinand J. Ciccarelli, Attorney to Town Board -  
Advisement of liquor license renewal application for Lancaster Country Club. DISPOSITION = Town Attorney
66. Erie Co. Fiscal Stability Authority to Town Board -  
Open letter to Citizens of Erie County advocating shared services. DISPOSITION = Received & Filed
67. Joan Kempisty to Town Board -  
Concerns regarding proposed Pilot Truck Stop, Transit Road. DISPOSITION = Received & Filed
68. Office of New York State Governor to Supervisor -  
Letter of appreciation for recent visit of governor to Senior Center. DISPOSITION = Received & Filed
69. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held Wednesday, February 8, 2006, 9:30 AM at City Hall. DISPOSITION = Received & Filed
70. Dennis A. Maciuba to Town Board -  
Comments and concerns regarding proposed Pilot Truck Stop, Transit Road. DISPOSITION = Received & Filed
71. Agena M. Puricelli to Town Board -  
Comments and concerns regarding proposed Pilot Truck Stop, Transit Road. DISPOSITION = Received & Filed
72. Carolyn Spisiak to Town Board -  
Comments and concerns regarding proposed Pilot Truck Stop, Transit Road. DISPOSITION = Received & Filed
73. General Crew Chief to Supervisor -  
Request reappointment of Alyson Crawford as Lifeguard. DISPOSITION = Resolution 2/7/06
74. Neil McGinty to Town Board -  
Letter of interest in purchasing a town-owned parcel on Wendell Street. DISPOSITION = Town Attorney
75. Executive Director, Youth Bureau to Supervisor -  
Request appointment of Kristin Reddien as Tutor, Part Time. DISPOSITION = Resolution 2/7/06
76. General Crew Chief to Chairman, Tree Planting Committee & Town Board -  
Request resolution to award bid for 2006 tree planting program to Concord Nurseries, Inc. DISPOSITION = Resolution 2/7/06

77. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held February 1, 2006. DISPOSITION =  
Received & Filed
78. Planning Board to Town Board -  
Recommend approval of sketch plan for Pleasant Meadows Subdivision III;  
conditions and comments noted. DISPOSITION = Planning Committee
79. Planning Board to Town Board -  
Recommend adjournment to March 1, 2006 meeting regarding informal site plan  
review for Pilot Travel Center while awaiting further response from NYS DEC.  
DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL  
MEMBER MONTGOMERY AND CARRIED,** the meeting was adjourned at 10:25 P M  
in memory of Lewis Cardwell and Valerie Labenski.

Signed

  
Johanna M. Coleman, Town Clerk